



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: April 3, 2013

Sponsored by Council Members: Webb, Mihalko, Motsavage, Matzo, Rennia, Papastrat

Introduced by Committee: Planning & Community Development

ORDINANCE

entitled

AN ORDINANCE AMENDING CHAPTER 265-6,
RENTAL REGISTRATION

WHEREAS, on December 19, 2011, the Council of the City of Binghamton passed Local Law No. 4 entitled "A Local Law to Amend Section 265-6 of the Code of the City of Binghamton to Provide for Triennial Inspections and a Rental Registration Program"; and

WHEREAS, on June 6, 2012, the Council of the City of Binghamton passed "An Ordinance Amending Chapter 265-6, Rental Registration"; and

WHEREAS, Council wishes to further amend Chapter 265-6 to clarify the rental registration program and to phase in rental registration.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 265 *Housing and Property Maintenance*, Article I, *General standards*, § 265-6, *Rental registration established* is hereby repealed and replaced in its entirety by a new § 265-6, *Rental registration established* as annexed hereto and made a part hereof.

Section 2. That this ordinance shall take effect immediately.

Legislation approved by City Council on April 17, 2013
and sent to the Mayor on April 18, 2013. The Mayor
returned legislation on April 29, 2013 unsigned. The
legislation is deemed approved.

A handwritten signature in dark ink, appearing to read "Stephen J. Holmes".

City Council adopted the legislation on April 17, 2013. The legislation was sent to the Mayor on April 18, 2013. The legislation was returned on April 29, 2013 without the Mayor's signature. The legislation is deemed approved.

Introductory No. 013-28

Permanent No. 013-27

Sponsored by City Council Members:
Webb, Mihalko, Motsavage, Matzo, Rennia, Papastrat

AN ORDINANCE AMENDING CHAPTER 265-6,
RENTAL REGISTRATION

The within Ordinance was adopted by the Council of
the City of Binghamton.

APRIL 17, 2013
Date
[Signature]
City Clerk

APRIL 18, 2013
Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

☒ Code of the City of Binghamton

☒ Adopted ☐ Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent



MEMORANDUM

Office of the Mayor

Mayor, Matthew T. Ryan
Deputy, Andrew Block
Secretary, Rebecca Browne

TO: City Council
FROM: Matt Ryan, Mayor
RE: Rental Registration Legislation
DATE: April 29, 2013

Council members,

The Rental Registration legislation will go into effect without my signature because the Office of Code Enforcement currently lacks the resources necessary to significantly fulfill its responsibilities under the bill.

To meet this need, my administration will submit a Request for Legislation this Wednesday, May 1st, to fund for the remainder of 2013 the Code Enforcement position that was defunded during the 2013 Budget Process. When Council defunded the position, the funds went into Contingency. We will propose drawing these very funds back from Contingency to re-fund the position.

This measure will help advance the implementation of the Rental Registration legislation in the short run, but the 2014 Budget Process will be important if full force implementation is to happen. Full force implementation will require additional resources for Code Enforcement, the Legal Department, Planning, the aspects of the Office of the City Clerk that fall under the supervision of the Mayor's Office, and possibly the Office of the Assessor.

I look forward to working with the Council to bring this legislation fully to fruition. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matthew T. Ryan', is written over a horizontal line.

Matthew T. Ryan, Mayor

CHAPTER 265, *HOUSING AND PROPERTY MAINTENANCE*

§ 265-6. Rental registration program established. [Amended 6-6-2012 by Perm. Ord. 12-40]

A. **Intent.** In order to properly administer and inspect residential rentals in the City of Binghamton, the City hereby creates a Rental Registration Program for all "Rental Property" and "Rental Units" as defined below, except for a "Dwelling, Two-Unit," Rental Properties (*i.e.* two-family houses) where one unit is occupied by the Owner.

B. **Definitions.**

(1) Whenever the words "Dwelling", "Dwelling unit", "Premises" and "Structure" are used in this section, they shall be construed as though they were followed by the words "or any part thereof."

(2) Whenever the phrase "any provision of this Chapter" is used in this section, it shall be construed as though it was followed by the words "or any rule or regulation adopted pursuant thereto."

(3) As used in this section, the following terms shall have the following meanings:

BEDROOM -- Any room or space used or intended to be used for sleeping purposes, including, but not limited to, any room with an adequate area to accommodate a bed and other furniture associated with a bedroom; privacy (e.g., a door); an emergency exit (e.g., a window); and may include a closet (a closet implies a bedroom, although lack of a closet does not preclude any room or space from being considered a bedroom if it meets the other criteria).

DWELLING or DWELLING UNIT--

(a) A building or portion thereof which meets the following criteria:

(i) Designed, used or intended to be used exclusively as year-round and complete living quarters for one family or household.

(ii) Provides cooking and bathroom facilities and an independent entrance from the outside or from a common hall or entryway.

(iii) Meets applicable requirements of the New York State Uniform Fire Prevention and Building Code.

(b) For purposes of this section a "Dwelling" includes a Dwelling, Earth Sheltered; Dwelling Manufactured Home; Dwelling Modular; Dwelling, Multi-Unit; Dwelling, One-Unit; Dwelling, Townhouse; Dwelling, Two-Unit; as those terms are defined in §410-5.

(c) For purposes of this section a "Dwelling" does not include a Hotel, Motel, Rooming House, Dormitory, Fraternity, Sorority, Mobile Home, Tourist Home or similar building, as those terms are defined in §410-5.

LOCAL AUTHORIZED REPRESENTATIVE -- A person (or entity) designated by the Owner to manage Rental Property or Rental Unit(s). The Local Authorized Representative may be a Owner or a third party. The Local Authorized Representative must maintain a home or business address in Broome County or a contiguous county in New York. The Local Authorized Representative shall be authorized to conduct all business related to the Rental Property or Rental Unit(s) and is authorized to accept service of all notices regarding any action or proceeding.

OWNER -- Any person who, alone or jointly or with others: (1) shall have legal title (including through a land contract) to any Dwelling or Dwelling unit, with or without accompanying possession thereof, or (2) shall have charge, care or control of any Dwelling or Dwelling unit as either Owner or agent of the Owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the Owner. Any person thus representing the actual Owner according to the definition provided shall be bound to comply with the provisions of this section to the same extent were he or she the Owner.

RENTAL PROPERTY -- The physical structure wherein one or more Rental Units are located.

RENTAL UNIT -- Any Dwelling used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

C. Registration required.

(1) Every Owner of a Rental Property or Rental Unit(s) is required to register each Rental Property/Rental Unit(s) and pay all fees in accordance with this section, except, (i) the Owner of a Two-Unit Dwelling where the Owner occupies one such Dwelling Unit; (ii) the United States, State of New York, Broome County, or the City of Binghamton; (iii) any Mortgagee in a foreclosure proceeding pending sale, unless such Mortgagee is collecting rents for the Rental Property/Rental Unit, or (iv) any property registered as a vacant property pursuant to § 265-14.

(2) The Owner will complete and file with the City Clerk a Rental Registration Application. The Rental Registration Application shall include, but shall not be limited to, the following information for the Rental Property/Rental Unit(s):

(a) Street address and Tax Parcel Identification Number.

(b) Ownership information, including the Owner's name, home or business address (post office boxes are not acceptable), telephone number, and email address. If the Owner is a general or limited partnership, limited liability company, or corporation, the Rental Registration Application must include the names, home or business addresses, telephone numbers and email addresses of all of the partners, managers, members, or officers.

- (c) Rental Property information:
 - (i) Number of Rental Units;
 - (ii) Number of bedrooms in each Rental Unit;
 - (iii) Number of bathrooms in each Rental Unit.
 - (d) A statement, list, or dates of any certificates of occupancy, building permits, certificates, and/or approvals in the Owners' possession authorizing the number of Rental Units, bathrooms, bedrooms, and structural modifications or additions at the Rental Property. The City may request copies of such documents.
 - (e) The Application will include an opportunity for the Owner to consent to a Triennial Inspection, as provided in §265-6.I, below. If the Owner elects not to consent to such Triennial inspection, the application will advise the Owner that the City may apply for a warrant for such inspection.
 - (f) The Owner must designate a Local Authorized Representative. Notwithstanding the foregoing, any partner, manager, member, or officer, listed in section "(b)" above is authorized to accept service of any notices regarding any action or proceeding.
 - (3) A separate Rental Registration Application must be submitted for each Rental Property.
 - (4) Incomplete Rental Registration Applications shall not be accepted and will be returned to the Owner by the City Clerk.
- D. Fees.** The Owner will pay a Rental Registration fee in the amount of fifty (\$50) dollars for up to two Rental Units and twenty-five (\$25) dollars for each additional Rental Unit. The Rental Registration fee is non-refundable. The fee for the initial inspection, see §265-6.J(6) below, shall be included in the Rental Registration Application fee.

E. Record of Rental Registration.

- (1) Upon compliance with this section and the payment of all fees, the City Clerk shall issue a Record of Rental Registration. The issuance of a Record of Rental Registration confirms that the Rental Property/Rental Unit(s) has been registered. The Record of Rental Registration shall state in bold print:

This Record of Rental Registration is subject to confirmation of all registration information with public records, a health and safety inspection, and compliance with all building and zoning laws and regulations. Upon compliance with all the foregoing, the City will issue a Certificate of Compliance. The City shall maintain a database providing such information for each Rental Property/Rental Units.

(2) The Record of Rental Registration will be valid for three (3) years from the last day of the month it is issued. The Owner must re-apply and pay the required fee for a Record of Rental Registration every three (3) years.

(3) The Owner must post the Record of Rental Registration, or a photocopy thereof, in at least one common area accessible to all tenants.

F. Confirmation, revocation and modification.

(1) If the information in the Rental Registration Application is (i) not consistent with existing conditions (ii) not consistent with public records, (iii) the Rental Property/Rental Unit(s) do not pass a health and safety inspection, or (iv) the Rental Property/Rental Unit(s) is denied a Certificate of Compliance after review of applicable building and zoning laws and regulations, the City Clerk may revoke the Record of Rental Registration. Prior to revocation, the City will give the Owner written notice of the violation and an opportunity to cure such violation within ninety (90) days.

(2) Notwithstanding the foregoing, nothing herein shall limit the Office of Building & Construction/Code Enforcement from issuing a notice of violation for building and zoning laws and regulations and prosecuting same pending such ninety (90) days.

(3) Revocation of a Record of Rental Registration shall constitute a violation of this Ordinance.

(4) A Record of Rental Registration or the public record may be modified if it is determined that a discrepancy between the existing conditions and the public record is a clerical error.

G. Change of Owner information or ownership.

(1) The Owner shall notify the City Clerk in writing if there is a change in Owner contact information or a change in the Local Authorized Representative within thirty (30) days of said change.

(2) The Record of Rental Registration is not transferable. If the Rental Property is transferred, the new Owner must submit a complete Rental Registration Application within thirty (30) days of the date the deed transfer is recorded with Broome County. A new Record of Rental Registration will be issued for the term remaining on the existing Record of Rental Registration Permit.

(3) Failure to notify the City Clerk of either a change of ownership information or change of ownership shall constitute a violation of this Ordinance.

H. Implementation, effective dates.

(1) This section shall be effective beginning May 1, 2013, for the Urban Overlay District as described in Local Law No. 5 of 2011 Permanent No. LL11-5 adopted on December 19, 2011.

Owners in the Urban Overlay District must register their Rental Property/Rental Unit(s) as required by this section on or before September 30, 2013.

(2) This section shall be effective beginning January 1, 2014, for all other zoning districts in the City. Each Owner must register Rental Property/Rental Unit(s) as required by this section on or before such deadlines as the City Clerk may provide by dividing notices to register by zoning districts, water districts, or such other mechanism to provide for an orderly initial registration process through December 31, 2014.

(3) Subsequent to the initial registration process as required in paragraphs (1) and (2) above, the Record of Rental Registration will be valid for three (3) years from the last day of the month it is issued and must be renewed as required by § 265-6.E.(2) above.

I. Triennial Inspection

(1) In addition to the inspections required by § 265-3, *Inspection of Dwellings*, all Rental Property/Rental Unit(s) subject to this section are to be inspected at least once every three (3) years.

(2) Inspections will be consistent with the NYS Uniform Fire Prevention and Building Code and will also include an inventory of Rental Units, bathrooms, bedrooms, and other improvements, alterations, or structures for comparison with public records and zoning compliance.

(3) Nothing herein relieves an Owner from obtaining required permits or approvals for any improvements, alterations, or structures and from complying with zoning and other applicable laws. The NYS Uniform Fire Prevention and Building Code inspection is for health and safety issues only. Such inspection is not an approval of any improvements, alterations, or structures constructed without a building permit. Such inspection does not constitute compliance with the Zoning Ordinance of the City of Binghamton. Until all building and zoning issues, including compliance with functional family, are resolved no Certificate of Compliance will be issued.

(4) Upon confirmation of consistency with public records, compliance with all health and safety, building and zoning laws and regulations, the Office of Building & Construction/Code Enforcement will issue a Certificate of Compliance.

(5) The results of the NYS Uniform Fire Prevention and Building Code inspection and Certificates of Compliance will be maintained on a database for each Rental Property/Rental Unit(s).

(6) The fee for the initial inspection is included in the Rental Registration fee. If a Rental Property/Rental Unit(s) fails an initial inspection or if an Owner, Local Authorized Representative, or tenant fails to appear for a scheduled inspection, then a fee in the amount of \$25 will be charged for each additional inspection. If an Owner fails to pay the fee for additional inspections within thirty (30) days after written demand for same, then such amount shall be a lien against the Rental Property and may be collected in the same manner as real property taxes.

J. Violations. It shall be a violation of this Ordinance (i) if the Owner fails to register any Rental Property/Rental Unit(s); (ii) a Record of Rental Registration is revoked; or (iii) the Owner fails to notify the City Clerk of any change in ownership information or ownership; then any person or entity convicted of such violation will be liable for a fine of \$250, plus payment of the fees for Rental Registration and inspection, if any, for a first offense; \$500, plus payment of the fees for Rental Registration and inspection, if any, for a second offense within one year of the first offense; and \$1,000, plus payment of the fees for Rental Registration and inspection, if any, for each offense thereafter within one year of the first offense. Each violation for each Rental Property shall constitute a separate offense.